

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS (DPW, AIRPORT AND PARKS, RECREATION & RAILROAD)

DATE: APRIL 1, 2008

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN
BENTLEY
TESSIER
HASKELL
CHAMPAGNE
TAYLOR
GOODSPEED

COMMITTEE MEMBERS ABSENT:

SUPERVISORS STEC
MERLINO

OTHERS PRESENT:**REPRESENTING DPW:**

WILLIAM LAMY, SUPERINTENDENT
JEFFREY TENNYSON, DEPUTY SUPERINTENDENT OF
ENGINEERING

REPRESENTING PARKS, RECREATION & RAILROAD:

PAUL BUTLER, DIRECTOR
TIM BENWAY, RECREATION FACILITIES MANGER

REPRESENTING THE WARREN COUNTY AIRPORT:

DON DEGRAW, MANAGER
RICK MCCARTHY, ENVIRONMENTAL CAPITAL, LLC
FREDERICK MONROE, CHAIRMAN
PAUL DUSEK, COUNTY ATTORNEY
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE &
FISCAL SERVICES
JOAN SADY, CLERK OF THE BOARD
JOANN MCKINSTRY, DEPUTY COMMISSIONER OF
ADMINISTRATIVE & FISCAL SERVICES
PATRICIA NENNINGER, 2ND ASSISTANT COUNTY ATTORNEY
SUPERVISORS GERAGHTY
THOMAS
FRED AUSTIN, BUILDING PROJECT COORDINATOR
STEPHEN LYNCH, INTER-COUNTY SOLID WASTE COORD.
JOHN REIGEL, UPPER HUDSON RIVER RAILROAD
CLIFF WELZ, UPPER HUDSON RIVER RAILROAD
MICHAEL J. O'CONNOR, REPRESENTING D.A. COLLINS
TOM RANDALL, THE ADIRONDACK JOURNAL
AMANDA ALLEN, LEGISLATIVE OFFICE SPECIALIST
Please see the attached attendance sheet for additional attendees

Mr. Belden called the meeting of the Public Works Committee to order at 9:30 a.m.

Motion was made by Mr. Bentley, seconded by Mr. Haskell and carried unanimously to approve the minutes from the February 26, 2008 Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to William Lamy, DPW Superintendent, who distributed copies of the DPW agenda to the Committee members. *A copy of the agenda is on file with the minutes.*

Mr. Lamy advised that the first agenda item referred to a letter of appreciation received from the staff of the Civil Service Office, commending the Buildings & Grounds staff involved in the remodeling of their office, which he read aloud. He noted that a copy of this letter was included on page two of the agenda.

The next agenda item, Mr. Lamy announced, consisted of several Personnel requests which began on page three. He apprised that the first of the Personnel requests was to create the position of Senior Civil Engineer and a written explanation for this addition was included on page four. In summary, Mr. Lamy's explanation detailed his request to amend the Assistant Engineer position, previously authorized by the Committee, to that of a Senior Civil Engineer in order to appropriately supplement the DPW Engineering staff, thereby relieving some of the overflowing workload hampering himself and Jeffrey Tennyson, Deputy Superintendent of Engineering. Additionally, Mr. Lamy's explanation indicated that the salary for this position should be set at a maximum of \$68,000 to attract a candidate suitable to the Department's needs; specifically a candidate holding a Bachelors Degree in Engineering with several years of experience.

Mr. Lamy stated that in light of the number of large projects going to construction within the next year, *such as the Corinth and Beach Road Projects, and the Milton Street, Tannery and Grist Mill Road Bridge Projects*, the current engineering staff was insufficient to progress these projects while maintaining their regular workload. He directed the Committee to page six of the agenda, which reflected a summary of ongoing and upcoming projects, totaling \$35.5 million. Mr. Lamy stated that because of the significant number of projects and the limited staffing, they were not making progress in completing the projects. He added that he had discussed these issues with Mr. Belden and had received his support in presenting this request for the addition of the Senior Civil Engineer position.

Mr. Belden asked if there was enough funding available within the existing 2008 Budget to fund the Senior Civil Engineer position and Mr. Lamy replied affirmatively. Mr. Lamy explained that if the request received approval from both the Public Works and Personnel Committees, the position would not be advertised until mid-April and he estimated that it would not be filled until June, which would mean that the position would only require funding for six months in 2008. He said that the monies budgeted for the Assistant Engineer position would be sufficient to fund the Senior Civil Engineer position for the remainder of 2008. Mr. Lamy noted that due to the considerable number of upcoming retirements, they could certainly make adjustments elsewhere in the workforce to allow funding for the Senior position for 2009.

Hal Payne, Commissioner of Administrative & Fiscal Services, stated that he had not yet approved the request to fill the Senior Civil Engineer position because there was still some question as to how the salary difference between the two positions, *approximately \$26,000*, would be funded in 2009. He reminded the Committee that the increasing financial responsibilities incurred through the bonding of DPW equipment had to be considered when authorizing additional costs.

Mr. Thomas entered the meeting at 9:40 a.m.

When asked by Mr. Haskell for an explanation of the differences between the Assistant Engineer and Senior Civil Engineer positions, Mr. Lamy explained that the Assistant Engineer was not required to hold either a Bachelors Degree, nor an Engineering license. Mr. Lamy explained that currently there were no middle level professionals within the DPW who had the expertise to perform the supervisory duties required for projects such as the Corinth and Beach Road Projects; therefore, he added, he and Mr. Tennyson were required to handle all of these duties, which were becoming overwhelming. He stated that if the Committee was not inclined to approve his request for the Senior Civil Engineer position, they would do the very best job possible with the existing staff. However, Mr. Lamy noted, due to the volume of work required, there was the potential for oversights and time delays that could prove devastating to these major projects.

Mr. Haskell asked if a figure had been developed to represent the longevity costs that would be saved by the upcoming retirements of DPW employees and Mr. Lamy replied in the negative, but noted that an average of \$3,000 per employee was normally saved on longevity for career employees.

Mr. Champagne pointed out that the issues being faced by the DPW seemed to be caused by an onslaught of Capital Projects which would dissipate upon their completion. He suggested that it might be less costly to hire a consultant to work with the existing staff to get through the current volume of work, at which time they could re-evaluate the need for the higher salaried position. Mr. Geraghty responded that consultants were very costly and he pointed out that they had recently experienced discouraging results from the consultant hired to put the air handlers in place at the Westmount Health Facility. He said that if they had been able to use a member of the DPW engineering staff for the project there would have been someone to hold accountable, the additional costs would have been avoided because the person was already on staff, and in all likelihood the air handlers would already be in place. Mr. Geraghty stated that he felt the Committee was being shortsighted with regard to the matter and he pointed out that several projects, such as the Milton Street Bridge in the Town of Warrensburg, had been delayed for a considerable amount of time, in part by this lack of available engineering staff to work on the projects. However, Mr. Geraghty stated, if the position was approved he felt that efficiency standards needed to be put in place to reflect that the additional position had alleviated the issues and also to show that the projects were progressing.

Discussion ensued with respect to the matter.

Mr. Monroe entered the meeting at 9:55 a.m.

It was the consensus of the Committee that they would support the inclusion of a Senior Civil Engineer position if another position was deleted to offset the additional salary costs. Mr. Lamy stated that he was currently interviewing candidates for a Laborer position and an MEO-Light position and depending upon job acceptance he would be more than willing to sacrifice one of these positions in order to fund the Senior Civil Engineer position. He asked that the Committee allow him to complete the interview process for the Laborer and MEO-Light positions and present his

recommendation for which should be removed at the upcoming Personnel Committee meeting.

Motion was made by Mr. Bentley, seconded by Mr. Haskell and carried unanimously to create the new position of Senior Civil Engineer, base salary of \$68,000, and delete the Assistant Engineer Position, base salary \$41,832, thereby amending the salary schedule and table of organization accordingly, and refer same to the Personnel Committee. *A copy of the request is on file with the minutes.*

Resuming the agenda review, Mr. Lamy apprised that page nine began a series of six requests to fill vacant positions, which he detailed as follows:

- 1) Senior Civil Engineer, base salary \$68,000 (*as previously discussed*);
- 2) Heavy Equipment Operator #4, base salary \$28,697, vacant due to the resignation of Employee No. 11227;
- 3) MEO - Medium, base salary \$27,559, vacant due to promotion;
- 4) MEO - Light, base salary \$25,203, vacant due to promotion;
- 5) Auto Mechanic #9, base salary \$29,702, vacant due to resignation of Employee No. 7850;
- 6) Auto Mechanic Helper, base salary \$27,559, vacant due to promotion.

Motion was made by Mr. Haskell, seconded by Mr. Goodspeed and carried unanimously to approve all six Personnel requests, as outlined above, and refer same to the Personnel Committee. *Copies of the requests are on file with the minutes.*

Mr. Lamy apprised that they had begun procuring the equipment included in the bonding resolution. He said that when they had issued the bid specifications for the new Gradall, they had allowed for the purchase of a used piece of equipment with minimal hours of use. Mr. Lamy said that although they had expected to pay upwards of \$300,000 for a new Gradall, they had received a response offering a used one-year-old unit for a price of \$172,600, saving the County \$120,000; he added that Warren County had been the only lessee of this equipment. Mr. Lamy expressed his appreciation of Bruce Belden, Auto Mechanic Supervisor, and Brian Humphrey, Deputy Superintendent of Highways and Bridges, for their efforts in working with Julie Pacyna, Purchasing Agent, to secure this purchase.

Mr. Haskell pointed out that the bid response reflected an offer of only \$2,000 as the trade-in value for the Gradall currently being used and Mr. Lamy replied that due to the minimal allowance they had chosen to retain the old machinery and pay the full asking price for the new unit. He advised that they would continue to use the old Gradall until the next major repairs were necessary.

Mr. Lamy proceeded to the next agenda item which referred to the technology status of the DPW. He apprised the Committee that, unfortunately, one of his employees was out of work due to illness and it was unknown when, or if, this person would be returning to work. Mr. Lamy said that the employee's duties had involved the technology support to the department in the areas of computer

operation; operation of the fuel management systems, including the billing, inventory and regulatory aspects at eight locations; limited technical support for time clocks at eleven locations and involvement in the installation of remote fuel monitoring systems, as well as the maintenance of the Gas Boy tracking system. Mr. Lamy advised the absent employee had done a fine job of maintaining the technology system; however, he said, there was no one trained on staff to provide backup support for the position. Mr. Lamy added that their computer operation was characterized by a DOS based system, in which the absent employee had a technical background. He noted that because most computer systems were based in Microsoft, it was difficult to find another person knowledgeable of the DOS system and they were at a crossroads as to how they should proceed with technical support.

Mr. Lamy stated that he had contacted Robert Metthe, Director of Information Technology (IT), who had immediately sent staff to the Warrensburg DPW Shop to assist with these issues. He said that this information was being presented for the Committee's edification as there was no immediate solution in sight and as they moved forward this area of the DPW operation financial support would be required. Mr. Lamy advised that they were currently working to determine what was required to manage the current system with their existing technical expertise and equipment, as well as considering the costs of implementing newer, updated software systems. He stated that they had reached a point where it seemed prudent to upgrade the software and technology used by the DPW to the current technology standards and Mr. Tennyson was looking into alternative measures to do this as inexpensively as possible.

Mr. Lamy advised that although they have not yet developed a complete understanding of how to maintain the fuel system when faced with operational difficulties, they were able to produce fuel cards and they continued to work on the system to get a better understanding in the absence of the employee mainly in charge of these duties. He noted that he currently did not have any indication of the costs that would be incurred to appropriately update the technology used at the DPW but once those figures were developed he would present them to the Committee.

Mr. Champagne suggested that it might be appropriate to centralize all of the technology issues and allow Mr. Metthe to address them as he was the County's expert on the matter. Mr. Lamy replied that he did not feel the solution was as simple as to transfer the responsibilities because in addition to the technical component, the fuel system included maintenance, tracking and regulatory facets which could not appropriately be handled by the IT Department. He noted that because any issue with the fuel system required an immediate response, regardless of the time the issue occurred, staff had to be constantly available to address these issues, which might not be feasible for the IT Department. Mr. Lamy stated that although he would like to be rid of these technology issues, he was not sure that it was the best decision for the County.

Mr. Belden stated that the maintenance of County Fuel Farms was very important because in rural areas, such as the Town of Hague, there was nowhere else to get gasoline for Town, County and emergency vehicles during power outages.

Discussion ensued.

Resuming the agenda review Mr. Lamy directed the Committee members to page 18, which reflected a request for a transfer of funds, which he detailed as follows:

From Code:	To Code:	Amount:
D.1910 418 - County Road -	A.5610 417 - Airport (DPW)	\$ 5,048
Unallocated Insurance	Water/Sewer/Taxes	

Mr. Lamy reminded the Committee that at the prior month's meeting they had discussed an issue regarding the liability insurance coverage for the Airport and the fact that the cost was higher than what had been anticipated in the 2008 Budget. He explained that they had paid the insurance premium from Code A.5610 417, Airport (DPW) Water/Sewer/Taxes, and had subsequently found that the insurance premiums for the County Road General Liability were less than what was budgeted.

Motion was made by Mr. Haskell, seconded by Mr. Tessier and carried unanimously to approve the request for transfer of funds as outlined above and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Lamy advised that the next agenda item pertained to complaints received about snowmobile trails running along and crossing County roads. He said that the issues stemmed from the fact that the crossings were not adequately marked and that groomers were dragging snow adjacent to the roads, covering part of the traveled road along with the shoulders, which required the Town or County to plow these areas subsequent to the grooming. Mr. Lamy stated that a meeting had been scheduled for April 8th at the Warren County Fish Hatchery to address these items with the snowmobile clubs. He apprised that he and his staff were gathering information so that they could address the issues prior to the next snowmobile season. Mr. Lamy said he envisioned that the engineering staff would inspect the snowmobile crossings to see that they were located appropriately and also to mark them legally and correctly. He added that they would need to make sure the appropriate resolutions were in place to designate County roads as "snowmobile roads", but he would return to the Committee when these were necessary. Mr. Lamy noted that this update was for the Committee's information only and did not require any action currently.

Mr. Lamy stated that the next two agenda items consisted of requests relating to right-of-way (ROW) acquisitions and he asked Mr. Tennyson to detail these items. Mr. Tennyson explained that page 19 of the agenda included a routine request for revised Just Compensation amounts for two parcels along the Corinth Road Project route. He noted that Just Compensation amounts had been approved for these parcels in 2006 and negotiations had been ongoing through the County's Project Consultant, R.K. Hite (RKH), as reflected by this request.

Motion was made by Mr. Bentley, seconded by Mr. Champagne and carried unanimously to approve

the request for approval of Just Compensation amounts for two parcels along the Corinth Road Project route and the necessary resolution was authorized for the April 18th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson stated that page 21 of the agenda reflected a similar request for approval of Just Compensation amounts for parcels affected by the Milton Street (Woolen Mill) Bridge Project.

Motion was made by Mr. Tessier, seconded by Mr. Taylor and carried unanimously to approve the request for approval of Just Compensation amounts for two parcels affected by the Milton Street (Wollen Mill) Bridge Project and the necessary resolution was authorized for the April 18th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy stated that, as reflected in the documentation included from RKH, he was listed as a deed holder for one of the parcels slated to receive an updated Just Compensation amount relating to the Milton Street Bridge Project. He said that when it had become apparent that the County would require the purchase of his property for ROW purposes he had spoken with the County Attorney, who had requested that he remove himself from any discussions on the acquisition and purchase price. Therefore, Mr. Lamy stated, all correspondence and negotiations had been conducted through his brother, Frederick C. Lamy.

Mr. Tennyson apprised the Committee that the Alder Brook Bridge Project would be the next Federal Aid Project undertaken. He noted that the consultant selection had recently been completed and awarded to Creighton Manning Engineering, LLP (CME).

Mr. Lamy announced that the next agenda item pertained to the issue of a Hazard Mitigation Coordinator (HMC). He explained that previously, when Civil Defense had been a part of DPW, the DPW staff had provided the services of a HMC. Mr. Lamy apprised that this position had become necessary as a direct result of storm damage caused by Hurricane Floyd. He explained that the staff member designated as HMC had been appointed by resolution and was responsible for coordinating claims and corresponding with FEMA (Federal Emergency Management Assistance), as well as forwarding letters and notices of possible eligibility to the Towns. Mr. Lamy advised that since the establishment of the Office of Emergency Services (OES), the role of the HMC had expanded to a much broader role which went beyond the reach of the DPW. He advised that recently the County, through the OES, had applied for a grant to develop a Hazard Mitigation Plan which would become the key for securing any future reimbursement for any type of natural disaster that the County might be subjected to. Mr. Lamy added that during the grant process, DPW assisted OES in preparing a request for proposal (RFP) to hire a consultant to develop a Hazard Mitigation Plan and the County needed to identify an HMC to work with the consultant and the Towns as they reviewed through the broad scope of activities covered by the Plan. Mr. Lamy suggested that, due to the nature of the position, it would be more appropriate to place the HMC with the OES, rather than the DPW.

Motion was made by Mr. Haskell, seconded by Mr. Bentley and carried unanimously to transfer the duties of the Hazard Mitigation Coordinator to the Office of Emergency Services.

Moving on to the next item listed, Mr. Lamy apprised that on page 25 of the agenda he had included a request to establish Capital Project H286.9550 280, Bridge Maintenance Projects - 2008, in the amount of \$250,000. He reminded the Committee that at their previous meeting they had authorized the bonding of \$250,000 for bridge maintenance and the Capital Project was necessary to appropriate the bonded funds. Mr. Lamy defined that the exact uses of the bridge maintenance funds would be for the reconstruction and rehabilitation of the Peaceful Valley Road/Baker Brook Bridge; repainting and rehabilitation of the Hudson Street/Mill Creek Bridge and the repainting and rehabilitation of the Heath Road/Mill Creek Bridge.

Motion was made by Mr. Bentley, seconded by Mr. Goodspeed and carried unanimously to approve the request to establish Capital Project H286.9550 280, Bridge Maintenance Projects - 2008, in the amount of \$250,000 and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Lamy advised that page 26 of the agenda reflected a request to authorize himself, as DPW Superintendent, to approve change orders with Lash Contracting, Inc. for work on the Bolton WWTP (Waste Water Treatment Plant). He explained that all three of the necessary change orders were outlined in the letter received from C.T. Male Associates, P.C., a copy of which was included on page 27 of the agenda. Mr. Lamy said that under normal circumstances a formalized change order, negotiated with the contractor, was used and included a specific amount. He advised that although he had not currently received this documentation, it would be available for presentation prior to the April 18th Board meeting. Mr. Lamy added that the monies would come from the Town of Bolton's allocation for the Capital Project.

Motion was made by Mr. Haskell, seconded by Mr. Champagne and carried unanimously to approve the request to authorize the DPW Superintendent to approve change orders with Lash Contracting, Inc. for work at the Bolton WWTP, and the necessary resolution was authorized for the April 18th Board meeting. *A copy of the request is on file with the minutes.*

Concluding the agenda review, Mr. Lamy directed the Committee members to page 29 which reflected the list of items pending from prior Committee meetings and he detailed them as follows:

- 1) As both of the items listed under the Corinth Road Project had been previously addressed, Mr. Lamy stated that this item could be removed from the listing;
- 2) Mr. Lamy advised that a copy of the Budget Performance Report was included in the agenda and he noted that it reflected 5.5 payroll periods, or 21% of the Budget. He pointed out that overtime costs were up in most categories and he referred the Committee to the section of the report that compared current expenditures against those from the prior year. Mr. Lamy said that most portions of the Budget were

running fairly high and this was a direct result of the winter weather. The largest issue, he noted, was under Snow Removal for which \$190,000 had been budgeted. Mr. Lamy advised that \$144,000 had been spent, leaving only \$45,000 to cover the remainder of the year. He then directed the Committee to the Supplies Budget, which had been completely depleted, leaving no funding for the purchase of salt for the remainder of the year. Mr. Lamy stated that they were currently looking for funds within the Budget that could be appropriated for the purchase of salt for use in November and December of 2008. He advised that he would be seeking additional funds by the close of the year and the budget needs of the Department would depend upon the severity of the winter.

Mr. Belden apprised that he and Mr. Lamy had been discussing the possibility of operating snow plow trucks with a one man crew, rather than a two man crew, and instituting two shifts during winter months to save on overtime costs. He said that although there would be some days when the second shift employees would not be doing much it would still be less expensive than paying overtime for crews working after hours. Mr. Belden said that he would continue to work with Mr. Lamy on this and would keep the Committee up to date.

Mr. Haskell asked if the one man plowing crew was allowed in the Union contract and Paul Dusek, County Attorney, replied that he would have to review the contract to determine if there would be an issue with this;

- 3) Regarding the possibility of selling unused DPW equipment online, Mr. Lamy stated that he had spoken with the Auctioneer who had advised that a clause in his agreement with the County did allow for online sales. He noted that the County would have the ability to decide which items they preferred to be sold at County Auction rather than online and he pointed out that the fee charged by the Auctioneer was less for online sales. Mr. Lamy added that they could try the online auctions and if they did meet their expectations they could always go back to the County Auctions held in the past.

Motion was made by Mr. Champagne, seconded by Mr. Haskell and carried unanimously to authorize the sale of unused DPW items online.

- 4) No update was given on the impact to Warren County from the Queensbury Avenue sanitary sewer district rate increase;
- 5) Mr. Lamy stated that the referral regarding the position of Handicap Coordinator could be removed from the listing as the item was addressed through the Public Safety Committee;
- 6) No update was given on the costs and time associated with work requested by NYSDEC (New York State Department of Environmental Conservation) at Scaroon Manor;
- 7) No update was given on the costs and ROW issues related to the addition of a turning lane on Peaceful Valley Road.

As Mr. Lamy had no further business to present, privilege of the floor was extended to Paul Butler, Director of Parks, Recreation & Railroad. Mr. Butler distributed copies of the Parks, Recreation & Railroad agenda to the Committee members, a copy of which is on file with the minutes.

Mr. Butler advised that Agenda Item 1 referred to a request to amend the County Budget in the amount of \$41,020 to reflect the acceptance of 70% payment of State snowmobile grant funds.

Motion was made by Mr. Bentley, seconded by Mr. Haskell and carried unanimously to approve the request to amend the County Budget in the amount of \$41,020 to reflect the acceptance of State snowmobile grant funds and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Agenda Item 2, Mr. Butler stated, pertained to a request to extend the existing contract with South Warren Snowmobile Club, Inc. and the City of Glens Falls for use of the property located on West Mountain Road. He advised that there had been complaints to the South Warren Snowmobile Club, Inc. from people who got stuck in the parking lot used to access the snowmobile trails. Therefore, Mr. Butler said, he was requesting a provision in the contract extension that would allow Warren County to plow the parking lot, subject to the approval of the City of Glens Falls.

Mr. Belden pointed out that if a DPW truck was required to plow the parking lot, additional overtime might be incurred and this should be taken into consideration before agreeing to the contract. Mr. Lamy stated that in either case, whether a DPW truck or Parks, Recreation & Railroad staff were used, if snowfall occurred on a weekend overtime costs would be incurred. Mr. Haskell pointed out that West Mountain Road was already maintained by a County truck so it would take a very minimal amount of time for the truck to make a quick trip through to clean out the entrance and exits. Mr. Butler added that if a County truck could make this quick trip through on weekends, Parks, Recreation & Railroad staff could be used to clean out the parking lot more thoroughly during working hours.

Mr. Champagne stated that maintaining snowmobiling facilities seemed to be a tourism effort and if they wanted to attract more snowmobilers to the area they should seriously consider better maintenance of the parking facilities.

Subsequent to discussion on the matter, Mr. Lamy stated that if the Committee wanted the parking lot to be maintained by the County during the winter months, he would work together with Mr. Butler to make sure it was taken care of.

Motion was made by Mr. Taylor, seconded by Mr. Champagne and carried unanimously to authorize an extension of the contract with the South Warren Snowmobile Club, Inc. and the City of Glens Falls and provisions for Warren County to plow the West Mountain parking lot, subject to approval by the City of Glens Falls, and the necessary resolution was authorized for the April 18th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Butler apprised that Agenda Item 3 consisted of a request to fill the vacant position of Building

Maintenance Worker #11, which had a base salary of \$26,101. Mr. Lamy explained that the previous employee in this position had resigned to take another position and a very short notice had been given. He advised that this position was part of the crew that helped to take care of all building maintenance issues associated with the Department and the duties varied from working at the Fish Hatchery to the Bike Paths, maintenance and mowing at the County Fairgrounds and any maintenance required at Up Yonda.

Motion was made by Mr. Haskell, seconded by Mr. Taylor and carried unanimously to approve the request to fill the vacant position of Building Maintenance Worker #11, base salary \$26,101, and refer same to the Personnel Committee. *A copy of the request is on file with the minutes.*

Mr. Payne asked how soon this position would be filled and Mr. Lamy replied that once Personnel Committee approval was received they would advertise the position, allowing 15 days for response to the advertisement. He added that once the applications had been reviewed and interviews held, they would have to allow for notice to the current employer. Mr. Lamy said that in light of all of these factors, he would estimate that the job would not be filled until at least mid-May.

Mr. Butler advised that they would skip ahead to Agenda Item 12, which related to the Saratoga Springs Train Station and the Corinth Railroad ROW. He advised that, as per the Committee's direction at their last meeting, he had researched the ownership of the Saratoga Springs Train Station and found that the actual building was owned by Capital District Transportation Authority (CDTA); however, he noted the land was owned by Canadian Pacific Railway (CPR) and was leased to CDTA. Mr. Butler stated that Jack Kelley, Representative of the Town of Corinth, had been invited to the meeting to address the remaining Committee concerns surrounding the proposed agreements with the Town of Corinth to further the service of the railroad.

Mr. Kelley thanked the Committee for inviting him to the meeting. He began by reminding the Committee that the Town of Corinth had purchased their portion of the railway, which stretched from Saratoga Springs to the Town of Corinth, through the use of grant funding received approximately eight years prior. Mr. Kelley noted that there was a portion of the railway running along the CPR main rail line which CPR had provided 25 years of lease rights through a working agreement with the Town of Corinth. Additionally, he said, they had obtained lease rights for a portion of the tracks to the south of the Saratoga Springs Train Station which would be instrumental in turning the train around. Mr. Kelley advised that through the use of their remaining grant funds an attempt had been made to upgrade the railway to a Class 2 service level during the prior year; however, he noted, due to some animal destruction of one portion of the track they'd had to use those grant funds to repair the damages. Mr. Kelly added that the Town of Corinth had since applied for additional grant opportunities to continue the improvements to the tracks in order to upgrade the service level. He advised that the Town of Corinth was currently in negotiations with the Upper Hudson River Railroad (UHRR) to extend train services to the Town of Corinth on a regular basis.

Mr. Kelley stated that for the County Attorney's purposes he had brought copies of the deed and working agreement that were filed in the County Clerk's Office that would answer any of the

Committee's questions with regard to the Town of Corinth's ownership and rights of use to their portions of the railroad. He added that these documents would prove the Town's favorable conductivity rights which would guarantee Warren County's interest in a scenic train route that could run to Saratoga Springs and potentially service "snow trains" running from New York City to the Town of Johnsbury to visit Gore Mountain, which had been one of the primary goals of the groups working on the railway projects.

Mr. Kelley stated that he wished to take the opportunity to note the tremendous amount of cooperation from Warren County staff, as well as the Supervisors representing the Towns along the railway and he wished to thank them for their support and efforts. He said that Congresswoman Kirsten Gillibrand's Office had also been instrumental in these efforts as her staff had been coordinating meetings and developing a parallel program to further the development of the railroad. Mr. Kelley advised that Mr. Dusek had been leading the efforts on behalf of Warren County and the Town of Corinth to seek the implementation of an Authority through the New York State Legislature which would allow for both the north and south portions of the railway to be melded back into a single working rail line. Because it would be some time before the Authority was developed, Mr. Kelley advised that a working group had been developed in the interim, under the auspices of a not-for-profit entity, entitled the Kaydeross and Hudson Railway Corp. He added that a meeting of this working group was scheduled for April 8th at 1 p.m. at the Corinth Fire House and he noted that all of the Committee members, as well as any other interested Supervisors, were invited to attend.

Mr. Kelly apprised that there was one small obstacle that would prevent train service to the Town of Corinth, that being the condition of the signal devices at the Antone Mtn. Road crossing. He said that Warren County owned the railroad to the southern boundary of Antone Mtn. Road and he felt that for a variety of reasons, the largest of those being funding, the crossing had not been updated to FRA (Federal Railroad Administration) standards. Mr. Kelly noted that in working with UHRR representatives, they had determined that by utilizing the old equipment removed from other updated crossings, along with an expenditure of \$15,000, the signaling devices could be put in place to comply with FRA standards. He said that at a recent meeting, at which Mr. Merlino had been present, UHRR had requested that he approach Warren County with a request to split the \$15,000 expenditure evenly between Warren County and the Town of Corinth to fund the signal upgrades and in doing so guarantee service to the Town of Corinth, as well as the Towns of Lake Luzerne and Hadley.

Mr. Haskell stated that Mr. Merlino had contacted him and asked that he speak on the matter as Mr. Merlino could not be present at the Committee meeting. He explained that, as per Mr. Merlino's advisement, they had been advised by FRA that they could not "flag" the signal, which would allow for flagpersons to stand on either side of the train to stop traffic until it had crossed the road. Mr. Haskell said that Mr. Merlino fully supported the replacement of the signals and the split of the \$15,000 expenditure with the Town of Corinth. He added that after discussing the matter with Mr. Merlino, he supported these measures also.

Mr. Champagne asked what the maximum speed limit allowable on the railway from the Town of

Corinth to Saratoga Springs was and Mr. Kelley replied that service would be limited to 10 mph, as the tracks were currently rated as a Class 1 service level. Mr. Kelley apprised that in order to raise the class rating, and also the speed limit, additional railroad ties had to be added to the tracks. He reminded the Committee that the Town of Corinth had already applied for grant funding to facilitate these improvements and once they were completed and the speed limit was increased, it would become practical to begin regular service from Saratoga Springs northward.

Mr. Belden asked where future grant funding would be applied once the Warren County and Town of Corinth railways were merged and Mr. Haskell replied that it was his understanding that the grant funds could be used towards any portion of the railway. He added that through the many meetings with Congresswoman Gillibrand's workgroup, the situation seemed favorable as all of the Towns along the two rail lines had agreed to work together to advance the project. Mr. Haskell said that for the time being the train would only run from the Town of Johnsbury to the Town of Corinth with possibly one trip to the Saratoga Springs Station for an inauguration event. He noted that although there seemed to be little support from Saratoga County with respect to the railroad initially, it now seemed that these issues had been ironed out and they would see more input from Saratoga County in the future.

Mr. Champagne asked if Mr. Kelley foresaw CDTA having any issue with the train traveling to the Saratoga Springs Train Station. Mr. Kelley replied that a large portion of the original grant funding received for the development of the railroad, entitled the "Rail Demonstration Project Grant", had been used to build the Saratoga Springs Train Station with the specific understanding that it would not only be used for Amtrak services, but at some time in the future for scenic train service. He noted that there had been participation with CDTA in the design of the Station to include storage space large enough for skis and ski bags in order to facilitate the ski trains they had envisioned for the future. Mr. Kelley stated that there had been no recent dialogue with CDTA regarding this matter because there had been no need thus far. However, he said, it was his feeling that the legislative history of the grant funds used to construct the Station very clearly reflected that it was also intended for the benefit of a scenic train. Although there was currently no written understanding with the CDTA regarding this matter, Mr. Kelley noted that the two Saratoga County representatives to the CDTA were aware of the situation and it might be time to approach them to develop an appropriate MOU (memorandum of understanding) to clarify and resolve these issues.

Mr. Champagne stated his unease with the lack of representation and support from Saratoga County and Mr. Kelley replied that although he could not speak for them, he was aware that there had recently been an increased level of interest in the railroad within Saratoga County, specifically from the Saratoga County Chamber of Commerce and the Saratoga County Economic Development Committee. He added that he felt the lack of support had been based on the length of time that the project had been ongoing and the prevalent notion the project would not come to fruition. Mr. Kelley advised that because completion of the project was on the horizon there was much more support than there had been in the past.

Mr. Haskell advised that subsequent to his discussion with Mr. Merlino, he had contacted Mr. Butler and found that there were sufficient monies available within the existing Parks, Recreation &

Railroad Budget to fund Warren County's portion of the costs to rehabilitate the signals at Antone Mtn. Road crossing. Mr. Butler clarified that \$15,000 had been included in his budget in anticipation of possible work by County forces at the Hadley Rail Station. However, he said, because these costs would be covered through the Rail Station Capital Project, those budget funds would not be required and could be used to cover the costs of the County share to repair the Antone Mtn. Road crossing signals.

Motion was made by Mr. Haskell, seconded by Mr. Goodspeed and carried unanimously to approve the expenditure of \$7,500 from the Parks, Recreation & Railroad Budget to cover 50% of the funds necessary to rehabilitate the Antone Mtn. Road crossing signals, and to authorize an inter-municipal agreement between Warren County and the Town of Corinth and UHRR for the signal rehabilitation work at the Antone Mtn. Road crossings.

Mr. Dusek reminded the Committee that during their last meeting they had discussed the implementation of an informal board that would incorporate the representatives of the Towns along the railway to be involved in the decision making procedures for the railroad and that would eventually evolve into the Authority that would govern the railroad. He noted that at that time the Committee had been unwilling to make a decision on the informal board because they did not have the information Mr. Kelley had presented and he advised that if the Committee was now in favor of the notion, action would be necessary.

Motion was made by Mr. Champagne, seconded by Mr. Bentley and carried unanimously to support the formation of an informal board to be involved with the railroad and the necessary resolution was authorized for the April 18th Board meeting.

Mr. Goodspeed commented that although his time serving on the Board of Supervisors had been brief, he had noticed in that short time that there had always been one Supervisor that voted against any train-related items, and to his alarm, he had noticed that there are now more Supervisors voting in the same manner. He said that, looking back at the prior ten years over which the project had been in progress, they now seemed to be close to seeing the completion of the Rail Station Project and he encouraged the Supervisors to consider the prospective of a negative vote actually being a trend towards abandoning the financial investments already made by the County. Mr. Goodspeed stated that although it was very easy to hear the word "train" in a resolution and vote against it, it was more important to consider these resolutions more thoroughly to be sure that they were protecting the ten year investment that the County had already made.

Mr. Belden stated that one issue that had stopped him from fully supporting the Rail Station Project was the lack of support from Saratoga County. Mr. Kelley responded by giving his personal guarantee that after the upcoming meeting of Congresswoman Gillibrand's working group, the railroad would no longer be considered Warren County's, the Town of Corinth's or even Saratoga County's portions, but rather referred to as "our" railroad by all parties involved. Mr. Belden stated that this view would certainly make all of the Supervisors more comfortable in making decisions regarding the future of the railway.

Mr. Butler asked John Riegel, UHRR, to clarify exactly what equipment would be necessary to update the Antone Mtn. Road crossing signals. Mr. Riegel explained that as per the FRA, flashing signals would be required at the crossing as that was the equipment in place previously. He said that with a minimal amount of work, and using the equipment removed from other crossing sites, the flashers could be replaced within the \$15,000 budget. Mr. Riegel added that these repairs would suffice until such time that the signals could be replaced with newer equipment.

Mr. Butler asked if UHRR staff had visited the Toney Pit to take inventory of the old signal equipment to be sure that what they required was available and Mr. Riegel replied in the negative. Mr. Riegel advised that because the equipment was still buried in snow they would have to wait until these items were uncovered, which they would do as soon as possible.

Resuming the agenda review, Mr. Butler apprised that Agenda Item 4 referred to the availability of Federal grant funding through the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFTEA-LU TEP). He said that the grant included an 80% Federal Share/20% Local Share breakdown and the application for the funds was due by June 27th, with the grantee selection to take place on December 28th. Mr. Butler added that an informational workshop regarding this funding was scheduled for April 23rd to give the specifics on this funding and he stated that if the Committee desired him to do so, he would attend the meeting. Mr. Belden stated that Mr. Butler should be present at the meeting and that he would like to attend also.

Mr. Butler stated that Agenda Item 5 reflected a request from the Hadley Business Association to use the parking lot of the Biondi Property on April 26th for their 4th Annual Maple Festival Dust off Car Show. He reminded the Committee that the Hadley Business Association had been granted permissions to use the property for this event for the prior two years and if the Committee was in agreement he would execute a County Facility Use Permit pending documentation of appropriate insurance certification indemnifying Warren County of any liability during this event.

Motion was made by Mr. Haskell, seconded by Mr. Bentley and carried unanimously to approve the request for the Hadley Business Association to utilize the parking lot of the Biondi Property as outlined above.

Agenda Item 6, Mr. Butler explained, consisted of a request from the North East Rail Car Association (NERCA) to use the Warren County railroad for a motor car excursion on July 26th and 27th. He said that 25 motor cars would participate in the event at a cost of \$35 each and that UHRR would coordinate their rail usage with NERCA during this event.

Motion was made by Mr. Haskell, seconded by Mr. Taylor and carried unanimously to approve the request to authorize NERCA to use the Warren County Railroad ROW and tracks on July 26 - 27, 2008 for a motor car excursion, pending receipt, and approval by the County Attorney, of the appropriate insurance indemnifying Warren County of any liability during this event, and the necessary resolution was authorized for the April 18th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Butler advised that Agenda Item 7, referring to the National Lead Railroad (NLR) ROW and tracks, had been added at Mr. Dusek's request and he asked Mr. Dusek to detail this item for the Committee. Mr. Dusek stated that this matter had been outstanding for some time and he wanted to see if the Committee wished to proceed on the previously selected path. He explained that there were railroad tracks running from the Town of North Creek into Essex County which were owned by NLR who was looking to sell them. Several years ago, Mr. Dusek noted, a coalition of the Town of Newcomb and Warren County and a private entity had been formed to purchase the tracks owned by NLR, with a County contribution of approximately \$200,000 to purchase the tracks from North Creek to the border of Warren County, and the balance of the purchase to be funded by the Town of Newcomb and the private entity. Since this action, Mr. Dusek advised, the Town of Newcomb had withdrawn from the coalition, removing their portion of the agreement which was approximately \$900,000, at which time NLR had withdrawn their offer to sell the tracks.

Mr. Butler advised that he had contacted NLR and had been advised that although they still wished to sell their railroad, they did not want to sell it in sections. He added that the entire track could be purchased for approximately \$1 million; however, he said, in their previous agreement Warren County would only be paying \$200,000 for 5.06 miles of track. Mr. Dusek noted that he was addressing this issue because there was an outstanding offer that NLR could accept at any time and he wanted the Committee to be aware of this.

Mr. Haskell stated that the main reason for Warren County's interest in that railway was because there were mines in that area who were interested in using it to ship large amounts of freight along the line, which Warren County would have gained freight revenues from. He said that he was unsure as to whether or not these mines were still interested in participating in the purchase of the railway and he suggested that Mr. Goodspeed might be able to research this further to determine if this was still a viable issue.

Mr. Goodspeed apprised that in December of 2007 he had met with NLR representatives, William Thomas, former Chairman of the Board and Supervisor of the Town of Johnsburg, and Senator Elizabeth O'C. Little regarding the potential for this purchase. He said that Mr. Butler was absolutely correct in stating that NLR was not interested in sectioning off the railroad as they wanted to sell it as a whole. He added that historically the Barton Mines Company had an interest in the railway as it extended very near their location and to the proposed Wind Farm and other proposed energy activities. Mr. Goodspeed stated that they had put together a Smart Growth grant application, with the help of the Planning & Community Development Department, to investigate the usage of the railway as an economic development factor; however, they had recently received notification that the grant application had been denied. Mr. Goodspeed stated that he could not speak to the interests of Barton Mines Company as he had not discussed the matter with them recently and given the current budget situation and the overall financial climate, he would be very reluctant to make any further exploration into the purchase unless there were many partners to assist in the financial aspects of the research, which did not seem likely.

Subsequent to discussion on the matter, it was the consensus of the Committee that Mr. Goodspeed should contact Barton Mines Company to determine their interest in the railway for presentation at

the next Committee meeting.

Returning to the agenda review, Mr. Butler apprised that Item 8 pertained to a review of the OSI (Outdoor Space Institute) draft transfer agreement for the County's acquisition of the Kellogg property. Mr. Dusek reminded the Committee of the ongoing process to develop a proper agreement with OSI for the donation of the Kellogg property, which consisted of 1.43 acres with three buildings, one of which was a barn with historic value and another building used to store the County's groomer and also during the Thomas the Tank event. He noted that he had forwarded the draft agreement to Mr. Goodspeed for his review of the language included therein and he wanted to review this with the Committee as the agreement would place restrictions on the use of the property.

Mr. Dusek stated that the draft agreement specified that the allowable uses of the property would be as a mining and forestry museum for public education; for public recreation, including public access to the Hudson River; for historic preservation; for retail sales on premises, provided that they were in furtherance of one of the specified uses; and for limited office space, provided that it was not implemented to the extent that it compromised the property and could not be used solely for this purpose. Mr. Dusek noted that the draft agreement did not include allowances for public restrooms, a welcome center allowing for advertisement of local businesses and recreation opportunities, use of the property for the Thomas the Tank event or storage of the County's groomer and those additional uses would have to be negotiated. He said that the question for the Committee was now whether or not this agreement captured the uses of the property desired by the County.

Mr. Goodspeed advised that he had written a response to the draft agreement which would be returned to Mr. Dusek for his review. He noted that for those that had not visited the Kellogg property, it was one of the more beautiful and historic sites in Warren County and they were very fortunate to be granted access to it. Mr. Goodspeed said that the property was located along the Hudson River and had been a commercial center in North Creek at the turn of the century. He apprised that two groups had been working in coordination with himself and Mr. Butler for the past year to determine possible uses for the property. At the same time, he noted, Wayne LaMothe, Assistant Director of Planning & Community Development, had suggested that an RFP be developed to attract a professional group who would determine the best uses of the property. Mr. Goodspeed said that he believed that the RFP had already been awarded and was being funded by the County to make these determinations. In light of this, he said, he was afraid that they might be getting ahead of themselves by developing an agreement limiting the uses of the property before they found out what those were. Mr. Goodspeed stated that discussions on the use of the property had closely resembled those uses allowed in the transfer agreement, such as a highly interactive historical museum, encompassing interests such as rail history and river ecology. He advised that, if possible, they might consider conceptually agreeing that the property would be used for an interactive museum and interpretive center, rather than to itemize the allowable uses, possibly providing more room for discussion as time went on.

Mr. Goodspeed said that he wanted to express his appreciation to Warren County for the amount of input they had allowed the Town of Johnsburg in determining the future of the Kellogg Property. He said that Mr. Butler had spent a significant amount of time working with himself and various

committees and associated groups to try to do the project in a way that was in keeping with the opportunities given to the Town of Johnsbury.

Mr. Dusek advised that this was the type of guidance he was looking for in making sure that the transfer agreement met the needs of the County and he said that he would contact OSI to ask for more time to research and discuss these needs prior to finalizing the agreement. Mr. Belden agreed that this was the correct approach and he suggested that a listing of the desired uses be developed for use in negotiating the agreement. Mr. Butler advised that he had spoken with representatives of OSI and it seemed that they were not pushing the County to complete the transfer and would be happy to give them all the time they needed to develop an agreement that would be acceptable to both parties.

Discussion ensued.

It was the consensus of the Committee that Mr. Dusek should contact OSI to notify them that additional time was needed prior to finalizing the transfer agreement and that he should continue to work with Mr. Goodspeed to determine the desired uses of the property. Mr. Butler was directed to contact Mr. LaMothe to determine the status of the RFP for professional consulting services to determine the best uses of the Kellogg Property.

Mr. Dusek noted that when the Committee was ready to finalize the transfer agreement with OSI a resolution would be necessary to accept the donation of the property and also to include rights of reversion in the event that the County did not use the property as specified in the transfer agreement. He added that OSI had also requested that the resolution include a "Right of First Refusal", although he said that he did not understand the need for this as it would apply only if the County decided to sell the property, and he would have to discuss this with OSI further. Mr. Dusek advised that he would bring this matter back to the Committee when it became necessary.

Moving to Agenda Item 9, Mr. Butler stated that at the prior Committee meeting he had presented a request from UHRR for use of the Biondi Building as their southern terminus and he advised that the request was now being withdrawn.

Mr. Butler apprised that Agenda Item 10 referred to usage of the County-owned caboose located at the Riverside Station. He explained that UHRR had contacted him asking for permission to lease use of the caboose to another party; however, he said, there might be issues as to whether or not an RFP was necessary to determine the leasing party because the caboose was not part of the Riverside Station. Mr. Butler advised that there were additional issues with the caboose in that the septic system, water and electric were connected to the Riverside Station.

Mr. Dusek stated that the question now was what to do with the caboose as it really was not usable by the County or a third party due to the septic, water and electricity issues. In addition, he said, the caboose was not considered at the time that the UHRR contract was developed. Mr. Dusek said that in its current setting the caboose was more valuable to UHRR than to the County, due to the utility issues, and the Committee needed to decide what they wanted to do with it.

Mr. Belden suggested that they allow UHRR to lease the caboose to a third party with a portion of the profits being paid to Warren County and he asked where those profits would be applied in the County Budget. Mr. Dusek replied that because the funds used to initially purchase the caboose had come from the General Fund, the profits would also be returned there. Mr. Butler apprised that he had spoken with Michael Swan, Director of Real Property Tax Services, regarding the possibility of leasing the caboose to a private entity and Mr. Swan had advised that such a business only had the potential to generate revenues of approximately \$600 per season, therefore it would not be very profitable to the County.

Cliff Welz, UHRR, addressed the Committee, advising that he could present documentation on the revenues received by business conducted in the caboose over the past five years. However, he pointed out, 2007 had been their most profitable year and they had lost \$2,500. Mr. Welz stated that they wanted the caboose to be in function because it was there and he had received several calls from the local community asking why the caboose was not in operation as an ice cream vendor. He said that regardless of whether the County decided to lease the caboose independently, because it shared septic, water and electric the County would share some responsibility for these costs. Additionally, Mr. Welz stated, the only public restrooms nearby were in the Riverside Station. He suggested that in order to alleviate these issues, the County should either amend their contract to make the caboose part of the Riverside Station or remove it from the site.

Mr. Haskell stated that he felt the caboose should be incorporated into the Riverside Station as it would cost a considerable amount to move the caboose; however, he added, if the County preferred to move the caboose he would certainly support its placement at the Thurman Station. Mr. Champagne agreed that the caboose should become a part of the Riverside Station and he noted that even if it was not used to sell ice cream it would still serve as a nice symbol at that location.

Discussion ensued.

Motion was made by Mr. Haskell, seconded by Mr. Champagne and carried unanimously to incorporate the caboose into the Riverside Station and the necessary resolution was approved for the April 18th Board meeting.

Resuming the agenda review, Mr. Butler advised that Item 11 referred to the Rail Station Project and a request to authorize a supplemental agreement with Clough, Harbour & Associates LLP (CHA) for additional design work, for an amount not to exceed \$57,000. He introduced Rick Lowenstein, CHA, to explain the need for the additional costs.

Mr. Lowenstein advised that the agenda included a copy of the proposed project schedule, according to the basis of the design that the County had elected to use for the Rail Stations, which was to grade each site, provide parking, utility preparation and a platform in order for each Station to become functionally complete and meet NYSDOT (New York State Department of Transportation) grant requirements. He said that each Station would have a 400 to 500 ft. canopy or pavilion and there would be a runaround at the Thurman Station. Mr. Lowenstein added that all of the specifications had been included in the memo forwarded to the Committee during the prior month.

Mr. Lowenstein advised that the other directive given had been for all of the necessary contracts to be bid and they had spent quite a bit of time speaking with Mr. Dusek regarding the use of force account work to complete some of the project. He said that they had met with NYSDOT regarding these issues and at the close of the meeting it was decided that no force account work would be used for any construction and all would have to be bid. In light of this, Mr. Lowenstein stated, they were required to pare back all of the construction documents that had been prepared for the project to the reduced scope of work. In doing this, Mr. Lowenstein advised, he had found that one of the items discussed in 2007, electrical service, had been considered an optional item for future inclusion. However, he said, it was his feeling that the electrical service should be included in the bid package to provide sufficient electrical service for convenience outlets, minimal lighting at each canopy and sight lighting in the parking areas. Mr. Lowenstein advised that he had added this scope of work to the supplemental agreement and the construction budget at an additional cost of \$30,000.

Mr. Lowenstein stated that because this project was under the scope of the Wickes Law, the County would have the opportunity to reject the electrical portion of the bids if there was not sufficient funding to support the project. He noted that because it did not seem to be a wise choice to omit the electrical services from the bid, he had taken it upon himself to add it, and he was now seeking Committee approval for the supplement. Mr. Lowenstein stated that if the Committee decided to take a more conservative approach he could certainly remove the electrical portion from the bid; however, he said, it was his recommendation that they retain the electrical portion and make a determination as to whether the work would be done upon receipt of the construction bids.

Mr. Belden asked how much grant funding was left for the Rail Station Project and Mr. Butler replied that the County Share had been fulfilled and approximately \$40,000 was leftover in grant funding for ROW acquisitions. He added that NYSDOT was willing to transfer these leftover \$40,000 ROW funds to the construction portion of the project, which would cover the majority of these costs, leaving only about \$17,000 of construction monies to be used.

When asked for clarification on the breakdown of Project costs, Mr. Lamy explained that a \$2.5 million grant had been awarded for the Rail Station Project, \$2 million of which was Federal Share and \$500,000 was County Share. He said that the construction totals would fall within the grant funds and the County would not exceed their \$500,000 Local Share for the entire project.

Mr. Belden pointed out that the Rail Station at 1,000 Acres Resort in Stony Creek had the potential to be one of the busiest stops along the railway and he was very dismayed to see that no funding was being appropriated for improvements there. Mr. Butler replied that, as discussed previously, \$15,000 had been included in his budget for work at the Hadley Station which was not going to be used for that purpose. He said that since \$7,500 of this total had been authorized for repair of the signals at the Antone Mtn. Road crossings earlier in the meeting, the remaining \$7,500 could be used to make some improvements to that Station. Mr. Butler added that they were currently working with the proprietor of the 1,000 Acres Resort to determine what could be done to appropriately supplement the location within the confines of the available funding.

Mr. Butler asked if the addition of the electrical service would set back the timing of the project, as

there were time limitations as to when the project had to bid and started and Mr. Lowenstein replied in the negative. He explained that a copy of the project schedule included in the agenda had been submitted to NYSDOT and adjustments had been made as per their direction and approval of the schedule had been given.

Upon request, Mr. Butler advised that the supplemental agreement would authorize an additional payment of \$57,000 to CHA for completion of the documentation necessary to bid the project and that the funds were available within the existing Capital Project, requiring no new monies from the County.

Discussion ensued with respect to the matter.

Mr. Thomas asked what the total engineering costs for the Rail Station Project were so far and Mr. Lowenstein advised that the costs for initial environmental reviews had totaled approximately \$350,000 and an additional \$300,000 had been spent for the final construction plans.

Motion was made by Mr. Goodspeed, seconded by Mr. Bentley and carried , with Mr. Belden and Mr. Taylor voting in opposition, to authorize the supplemental agreement with Clough, Harbour & Associates LLP for an amount not to exceed \$57,000 for additional design work for the Rail Station Project and the necessary resolution was authorized for the April 18th Board meeting. *A copy of the request is on file with the minutes.*

Concluding the agenda review, Mr. Butler addressed the listing of items pending from prior Committee meetings, which he detailed as follows:

- 1) Regarding the removal of the Biondi Building, Mr. Butler advised that the Project Engineer had recommended the removal of the Building in order to move on with the Rail Station Project at that site. He said that he believed that Mr. Merlino had individuals within the Town of Lake Luzerne that wanted the Building for their use and he would contact Mr. Merlino to discuss the matter further. Mr. Butler added that he believed that the Building had to be sold to the Town of Lake Luzerne in order to retain the grant funding received. The Committee directed Mr. Butler to proceed in contacting Mr. Merlino regarding this matter.
- 2) Mr. Butler advised that this item referred to the possibility of using Occupancy Tax revenues could be used to pay the fixed expenses of the Warren County Association for Snowmobile Clubs and he asked Mr. Dusek to detail his findings on this issue. Mr. Dusek stated that in researching this matter he had found that it was possible that this could be done only if the following requirements could be met:
 - A) Funds have to be spent for something directly related and supporting of a tourist activity, meaning that the trails had to be substantially used by tourists or the investment would have to bring in more tourists.
 - B) Funds could not be spent to support a project predominantly benefitting local residents.

The tents purchased from Occupancy Tax funding for the Fire Chiefs Convention

were a perfect example of these requirements, Mr. Dusek stated, because they were clearly used to benefit tourist activity. He said that in the case of the snowmobile trails he had asked Mr. Butler to provide research based on tourist use of the trails, which he had done by contacting the South Warren Snowmobile Club. Mr. Dusek apprised that through Mr. Butler's research they had learned that of the 3,600 members of the South Warren Snowmobile Club, 65% were from outside Warren County, and about half of this percentage, 900 members, were from New Jersey. Mr. Dusek said that these figures gave a very good indication of tourist use of trails, making this a decision of the Board of Supervisors as to whether they wished to use Occupancy Tax funding for these costs. He noted that this matter would have to be forwarded to the Occupancy Tax Committee for their review and if they felt that the specified criteria was met, they would forward the issue on to the Board of Supervisors for their approval.

Mr. Haskell thanked Mr. Dusek for researching this matter so thoroughly as initially he had been told that the request was not valid.

- 3) Mr. Butler advised that this item, regarding the concept of the formation of an informal board to address issues surrounding the Rail Station Project, had been addressed and resolved earlier in the meeting and could be removed from the listing of pending items.
- 4) Mr. Butler asked that this item also be removed as UHRR had withdrawn their request to use the Biondi Building as their southern terminus.
- 5) Regarding the request of UHFI (Upper Hudson Festivals Inc.) to use the Kellogg Property for the Celtic rock band concert, Mr. Butler advised that proper insurance was in place to indemnify Warren County of any liability, as requested by the Committee, and he intended to issue the necessary County Facility Use Permit authorizing the use of the property. He added that he had contacted OSI, who had requested a letter from the County indemnifying them of any liability also. As this item had now been addressed, Mr. Butler asked that the item be removed from the pending items listing.

As Mr. Butler had no further business to present, privilege of the floor was extended to Mr. Lamy who distributed copies of the Airport agenda to the Committee members. *A copy of the agenda is on file with the minutes.*

Mr. Lamy began by introducing the new Airport Manager, Don DeGraw, to the Committee. He said that Mr. DeGraw had started during the prior week and been working diligently to come up to speed on ongoing projects since that time. Mr. Lamy apprised that Mr. DeGraw held a BS (Bachelor of Science) Degree in Aeronautical Studies from Emory Riddle Aeronautical University and had spent eight years working at the Burlington Airport and the past seven years at the Rutland Southern Vermont Airport as the Assistant Airport Manager. He stated that he was very happy to welcome Mr. DeGraw to the Warren County staff.

Beginning the agenda review, Mr. Lamy noted that they would skip ahead to the New Business

section to discuss the t-hangars at the Airport, in light of the guests present for this matter. He said that it was his understanding that Empire East Aviation LLC (EEA) had submitted application to the County to build t-hangars on a site identified for such construction as part of the Airport's Master Plan. Mr. Lamy stated that EEA had already submitted their foundation and stormwater management plans to NYSDEC and, prior to his leaving County employment, Marshall Stevens, former Airport Manager, had worked with Kim Lussier, of EEA, in completing an application to the FAA (Federal Aviation Administration) requesting the t-hangar additions. He said that Mr. DeGraw had recently been contacted by the FAA seeking the County's sponsorship of the application and they now needed EEA to submit their financial plan for construction of the t-hangars to the Board of Supervisors for approval. Mr. Lamy stated that once all of the necessary approvals were received EEA would begin construction of the desired t-hangars. Mr. Lussier agreed that Mr. Lamy's summation of the situation was correct.

In addition, Mr. Lamy stated, the County had submitted a grant application to receive funding to construct their own t-hangars, for which approval had been received. He added that they hesitated to sign the grant, pending the determination of the interest of private entities wanting to build t-hangars at the Airport. Mr. Lamy said that if there were other entities seeking to build the t-hangars the County would not proceed in building them. Mr. DeGraw added that the grant was in the amount of \$600,000, with the Local Share being 10%, and the County had one month to decide whether or not the grant funding was desired and then three years from the receipt of the grant funding to complete the project.

Mr. Lamy stated that subsequent to Mr. Stevens' departure Michael J. O'Connor, Esq., representative of D.A. Collins, had contacted him with another request to build t-hangars at the Airport. He said that he and Mr. DeGraw had met with Mr. O'Connor Esq. to discuss appropriate locations for t-hangars and they had decided upon a site; however, he noted, it was his understanding that the sites were being determined based on the order in which the requests were made. Mr. Lamy introduced Mr. O'Connor Esq. to the Committee and asked him to elaborate on the subject.

Mr. O'Connor Esq. apprised that D.A. Collins was not in competition with any other group to produce t-hangars, but were simply looking for a site where they could construct their own. He said that his associate, Todd Cochran, also of D.A. Collins, had visited the Airport and had determined that a site in the area where the sand shed storage area was currently located appeared to be a better site than the one previously decided upon by himself and Mr. Lamy. Mr. O'Connor Esq. distributed copies of a letter and a map, *copies of which are on file with the minutes*, which stated that their proposal included the construction of a 7,500 to 9,000 sq. ft. t-hangar with the understanding that if the County wished to do so they could use a portion of this building for sand storage. He said that they had decided upon this site because in the Master Plan for the Airport this site had been selected for future placement of t-hangars and they wanted to make their proposal fall within the Master Plan. Mr. O'Connor Esq. stated that they had looked into the Schermerhorn lease for t-hangars and are willing to abide by it and also to build in accordance to specifications given for other similar projects.

Mr. O'Connor Esq. introduced Mr. Cochran, who reviewed the airport map with the Committee and noted the different size and placement options for the t-hanger they wished to construct. Mr.

Cochran pointed out that the building proposed would include a heated space for storage of sand and also the heavy machinery used at the Airport to keep both from freezing. He said that the t-hanger proposed would allow for future expansion if the County determined that they wanted to make the storage space bigger for their use. Mr. Cochran added that the building could be moved according to the County's direction.

Mr. Belden asked how many planes could be housed in the building proposed and Mr. Cochran replied that there would be room for six planes with storage space for the County's use.

Mr. Haskell asked what the County would be charged for use of the storage space and Mr. Cochran replied that the County would not be charged, but rather they hoped that the County would agree to waive the annual lease fee charged for the use of County property.

Mr. Dusek stated that this proposal was not agreeable because there would be issues with prevailing wage rates, bidding laws and also the fact that they were trying to mix a lease arrangement with a public project and he would be very concerned about the acceptance of this proposal. He noted that the proper procedure would be to provide a land lease for the construction of the t-hangers according to the standards adopted by the Board in terms of the nature and type of the building and placement in a location consistent with the Master Plan. Mr. Dusek added that a standard rate should be charged for the land lease, just as it had been in the Schermerhorn lease agreement.

Mr. O'Connor Esq. stated that they had included storage space for the County based on discussion that had indicated that it might be what the County wanted; however, he said, they had no issue with building just the t-hanger and eliminating the storage space. Mr. O'Connor Esq. added that if it was a benefit to the County they would also be willing to demolish the existing structure standing on the space they desired at their cost. He said that their main intention was to build a t-hanger and they were willing to work along the same guidelines as other such projects in the space allowed by the County.

Mr. Lamy stated that due to the amount of activity going on at the Airport and the fact that neither he nor Mr. McGraw had the benefit of the local knowledge surrounding the projects, he felt that it would be appropriate to schedule a workshop meeting to review the Master Plan for the Airport as an educational process for themselves. He said that he thought a sharing of ideas was needed so that they knew what the Committee had intended for the Airport. Mr. Belden agreed with Mr. Lamy's suggestion and added that the meeting should be scheduled at the Airport so that they could review the sites indicated to be sure they were happy with the plans before agreeing to them.

Motion was made by Mr. Tessier, seconded by Mr. Bentley and carried unanimously to schedule a Committee meeting at the Airport on Tuesday, April 8th at 9 a.m.

Mr. Belden advised that once the matter had been discussed by the Committee they would contact Mr. O'Connor Esq. to advise him of their decisions.

Mr. Lamy asked the Committee to return to the Old Business section of the agenda, under which

an update of the Runway 1 Safety Area Mitigation was listed. He advised that construction of the project had begun during the prior week and they had already started receiving noise complaints from citizens close to the site. Mr. Lamy said that the current work was being done at the south end of Runway 1 and until the efforts to redirect the drainage stream and deposit structural fill had proceeded far enough away from the runway to warrant its operation during construction, the Runway had to be shut down during the work. Therefore, Mr. Lamy stated, they would have to continue to work at night, while Runway 1 was lease operational, between the hours of 8:00 p.m. and 6:00 a.m. He said that if they made any attempt to shorten the Runway they would have to deter all jet traffic. Mr. DeGraw added that as the work in the safety area proceeded away from the Runway they would be able to shift to daytime work on the project. Mr. Lamy stated that these issues had been addressed with the unhappy residents but there seemed to be no way to appease their complaints until the night work was complete.

Moving to the New Business section of the agenda, Mr. Lamy advised that a telephone conference had been held with Laberge Group regarding the proposed Fire Training Center, leading to further dialogue with Mr. DeGraw on the project and he asked Mr. DeGraw to brief the Committee as to how the Fire Training Center fit into any of the FAA or Public Works use requirements. Mr. DeGraw advised that the Fire Training Center was proposed to be located directly on center line, approximately 5,000 ft. south of the runway. He said that looking into the existing and proposed expansion of the runway, with a 1,000 ft. overrun, they did not see any problem with the distance between the Airport's operational areas and the proposed Training Center. Mr. DeGraw advised that one issue facing the desired site had been whether or not the property had been designated for Airport use, which it was, and they would have to follow the appropriate criteria to request that the FAA release the designation and it was his feeling that the FAA would agree to do so because it was slated for not-for-profit use. He added that although the process could go very quickly, he anticipated that the release would take a couple of months. Mr. DeGraw advised that the only issue with the facility was that its placement was proposed directly on center line which would affect the expansion of the Runway if they ever wanted to extend it beyond 6,000 ft.

Mr. Tessier stated that because the site was proposed to be directly on center line, the FAA may have some issue with the placement of the Training Facility and it was his feeling that the Laberge Group should have contacted the FAA prior to making their proposal to be sure that this was not an issue. Mr. Lamy apprised that in speaking with representatives of Laberge Group, they were familiar with FAA regulations and therefore did not foresee this as an issue. He said that pending receipt of the Committee support of the proposed placement of the Fire Training Center, Laberge Group would immediately petition FAA to remove the designation from the property and to gain their approval of the project, which they were prepared to do.

Mr. Monroe agreed with Mr. Tessier's statement and he added that because the Facility would produce some smoke which could possibly affect the glide slope, which the FAA might have a problem with. He said that the placement of the Fire Training Center would not only affect future expansion at the Airport, but would also affect current operations.

Mr. DeGraw replied that he had been advised that the Fire Training Center was proposed to be a

clean burn facility which in most cases would not produce any visible smoke. He noted that at times when the smoke might affect the Airport they could ask that the Training Center be shut down as necessary, or exercises coordinated around the Airport schedule.

Discussion ensued.

It was the consensus of the Committee that they did not want to take a position on the placement of the Fire Training Center until a response was received from the FAA. Mr. Lamy pointed out that part of the contract with Laberge Group included their contact with the FAA to gain their approval of the project.

Mr. Lamy advised that the next New Business item pertained to the need for land clearing at the Airport. He said that they were now in the process of ordering and receiving equipment and one of the items still being discussed was the purchase of a forestry mower to provide land clearing operations at the Airport, as directed by the FAA. Mr. Lamy apprised that during the prior month's Finance Committee meeting Mr. Stec, Committee Chairman, had asked that he review and present any options for land clearing that would be less than the purchase of the forestry mower.

Mr. Lamy explained that rather than purchasing the equipment, they had the options of either renting the machinery needed to clear the property or they could hire an independent contractor to complete the work. He said that after reviewing all options, the purchase of the forestry mower had turned out to be the least cost per acre for the land clearing; however, he added, this option would require the largest 2008 expenditure, but would be covered under the equipment bond. Mr. Lamy stated that when they had discussed the need for land clearing at the Airport during the Budget process, it had been decided that they would purchase equipment after the presentation of the analysis and as a result of that no monies had been appropriated in the 2008 Budget to fund either the rental of the necessary equipment or to enter into a contract to have the work done by a private entity. He said that as per the analysis developed during the Budget process, it would cost approximately \$50,000 to either rent equipment to do the job or to hire an outside contractor and the DPW Committee had determined at that time that they would prefer to put the funds towards the purchase of equipment, rather than for rental or contract fees. Mr. Lamy stated that it was his hope that the necessary piece of equipment would have a useful life of at least 15 years.

Mr. Belden pointed out that the Bid Tabulation Sheet included in the agenda indicated that only two bids were received offering this equipment and Mr. Lamy replied that this was correct. Mr. Haskell noted that only one of the bids met the minimum requirements indicated in the bid specifications; therefore, he stated, they would have to reject the low bidder, Milton Cat, and accept the offer of the higher bidder, L.C. Whitford Equipment Co., in order to purchase the appropriate piece of machinery.

When asked for clarification, Mr. Lamy apprised that the offer of the low bidder consisted of the purchase of a brush hog to be attached to a skidsteer, which would not complete the job as necessary. He added that the machinery offered by the high bidder was exactly what the bid specification had included.

Mr. Taylor asked if they accepted the equipment offered by the low bidder and kept up with the land clearing, would the work necessary during the initial year be the only work that the brush hog could not handle and Mr. Lamy replied that he was unsure. Mr. Belden stated his opinion that if they hired someone to clear the existing growth the lower priced equipment could handle the job if the clearing was done each year so that the large growth was not allowed to resurface.

Mr. DeGraw advised that the two machines were completely different in that the brush hog attachment would only be able to cut saplings while the larger piece of machinery would cut the considerably larger growth that was present at the Airport and were penetrating protected airspace. He noted that the FAA had given exemptions for brush removal since 2003 and he did not feel that they would grant such allowances again for 2008. Mr. DeGraw said that he had been informed that if they did not take care of the growth the Airports Part 139 Operating Certificate would be revoked, which would disallow any unscheduled air carrier operations.

Mr. Tessier asked if the forestry mower could be used at any other County properties and Mr. Lamy replied that they had discussed this issue and he hesitated to say that it could, just to validate the purchase. He said that some of the areas they had considered for use of the forestry mower had been along the railroad and some rural highways; however, he said, he was aware that access to these areas was sometimes limited. Mr. Lamy added that the right set of circumstances would have to be present in order to use the machinery at other sites and he said that he was not aware of a specific instance wherein he could state that the machinery would assist them in performing their duties.

Mr. Payne apprised that an acquaintance of his happened to be a key salesperson for L.C. Whitford Equipment Co. and he had discussed the equipment with this person earlier in the year. He said that he had been advised that the forestry mowers were very high maintenance and spent as much time being repaired as they did working. Mr. Payne said that his acquaintance had suggested that they consider leasing the machinery, rather than purchasing it. He advised that subsequent to a private meeting with Mr. Monroe regarding this matter, he had contacted the Department of Corrections, and had completed an application, to bring in a crew of prisoners to clear the land for the first time, including cutting and chipping the trees. Mr. Payne said that this was an option available to reduce the labor inclusive in the project. In addition, he noted, Mr. Stec, who could not be present due to a family emergency, had asked that he relay his opinion that as the Chairman of the Finance Committee he would not vote in favor of the purchase of the forestry mower.

Mr. Bentley advised that the use of prisoners to remove the brush would not be conducive because the prisoners were not allowed to use the motorized equipment necessary to facilitate the land clearing. Mr. Haskell agreed and added that they would only be allowed to drag the brush to a chipper and that was why they had stopped using this type of labor in the Town of Thurman.

Mr. Lamy reminded the Committee that the disadvantages of either leasing equipment or contracting with a private firm was that no funds had been included in the 2008 Budget for these costs as the DPW Committee had determined that the forestry mower would be purchased through the 2008 DPW equipment bond during the budget process.

Mr. Belden asked how much land had to be cleared and Mr. Lamy replied that there were 110 acres requiring attention.

Discussion ensued with respect to the matter.

Motion was made by Mr. Haskell, seconded by Mr. Goodspeed and carried, with Messrs. Belden and Champagne voting in opposition, to reject the offer of the low bidder, Milton Cat, and award the purchase contract to the higher bidder, L.C. Whitford Equipment Co., for the purchase of a forestry mower, and the necessary resolution was authorized for the April 18th Board meeting. *A copy of the request is on file with the minutes.*

In light of the Committee action, Mr. Lamy stated that procedurally there were no other approvals required to authorize the purchase of the forestry mower and he wanted it to be perfectly clear that he now intended to do so. Mr. Belden replied that since that the majority of the Committee had voted in favor of the purchase he was within his rights to proceed in authorizing the purchase.

Resuming the agenda review, Mr. Lamy directed the Committee to page five which included a request for a new contract with Anvil Fence & Supply Co. to complete repairs and service calls for the gate openers at the Airport, as well as the initial training for gate maintenance. He added the contract would stipulate a \$90 per hour service fee, with a three hour minimum, plus the cost of any necessary parts.

Mr. Belden asked if funds were available within the existing Airport Budget and Mr. Lamy replied that because they needed to maintain functional gates, they would have to find the money within the Budget and transfer it as necessary.

Motion was made by Mr. Tessier, seconded by Mr. Bentley and carried unanimously to approve the request for a new contract with Anvil Fence & Supply Co., Inc. to complete repairs and service calls for gate openers at the Airport and the necessary resolution was authorized for the April 18th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy advised that the next item pertained to necessary employee training and he asked Mr. DeGraw to outline this item. Mr. DeGraw explained that due to the Airport's classification, they were required to obtain 40 hours of aircraft rescue and firefighter training for designated employees. He added that there were currently two individuals designated for such training, which would include live-burn training. Mr. DeGraw noted that the 40 hour course would be held over five days in Rochester, NY and would cost \$2,000.

Motion was made by Mr. Haskell, seconded by Mr. Goodspeed and carried unanimously to approve in-State travel for two Airport employees to attend the 40 hour training course as outlined above.

Mr. DeGraw advised that it was recommended that the fire equipment used at the Airport be replaced every five years. He said that in light of the fact that the equipment had surpassed the five year recommended life, and because one of the designated employees that would use the equipment

did not have any that was properly fitted to his frame, he was requesting that the equipment be updated. Mr. DeGraw stated that it would cost approximately \$3,500 to purchase new silver suits, boots and gloves.

Mr. Belden asked if the funding had been included in the Budget and Mr. Lamy replied that it was not. He advised that he and Mr. DeGraw would work together in an attempt to transfer funds within the existing Budget to facilitate the purchase.

Mr. Haskell stated that regardless of the availability of funds the equipment was necessary to ensure the safety of the employee using it and Mr. Belden agreed.

Motion was made by Mr. Haskell, seconded by Mr. Tessier and carried unanimously to authorize the purchase of new fire equipment as outlined above.

Mr. Lamy stated that the final agenda item pertained to the listing of items pending from prior Committee meetings. He advised that due to the length of the meeting he wished to postpone this review until the next Committee meeting.

As there was no further Airport business to present, Mr. Belden called for the Committee to recess at 1:12 p.m.

Committee reconvened at 1:30 p.m.

Motion was made by Mr. Champagne, seconded by Mr. Belden and carried unanimously to approve the minutes from the November 21, 2007 Solid Waste and Recycling Committee meeting, subject to correction by the Clerk of the Board.

Mr. Monroe introduced Rick McCarthy, of Environmental Capital, LLC, who had been retained by the County to advise them on the Hartford Landfill. He said that there had been discussions between many of the Supervisors regarding the fact that the County had 50% interest in the Hartford Landfill and that it was an asset they wanted to sell as quickly as possible. Mr. Monroe said that a number of steps had been taken in the past to try and move in the direction to sell the County's interest in the Landfill and a purchase offer had been received from D.A. Collins, who were still interested in the purchase.

Mr. Monroe advised that one of the main concerns of the Board of Supervisors had been in getting the maximum value of the County's share on behalf of the County taxpayers; therefore, Mr. Monroe noted, they had hired an engineering group to determine the value of the property. He advised that the conclusion of the engineering group had basically been that the value would be whatever could be generated from the facility, based on their permits. Mr. Monroe stated that because the value indicated had been somewhat vague, the County had decided to issue an RFP process for the sale of the property to see what offers were given and to determine a value. Mr. Monroe stated that he did not believe that it made sense for the taxpayers of Warren County to maintain this asset that was believed to have substantial value. He said that although it might be difficult to sell the property,

they needed to do their best to accomplish this goal and the first step was a meeting with Mr. McCarthy to determine his assessment of the current situation.

As he was not involved with the Solid Waste & Recycling Committee previously, Mr. Haskell asked for more background on the history of the Hartford Landfill. Mr. Monroe advised that the Hartford Landfill was comprised of 475 acres, the cost of which Warren and Washington Counties had funded equally. He explained that the site was intended for use as an ash landfill in order to avoid the considerable costs of shipping ash from the Burn Plant to the ash landfill in Buffalo, NY. Mr. Tessier advised that the landfill plans had not come to fruition because the Town of Hartford had passed a Local Law prohibiting any municipal waste from being transported to this site.

Mr. McCarthy distributed documentation describing the Warren County's current situation in its ownership of the Hartford Landfill, as well as ways for maximizing the value of the property. *A copy of this documentation is on file with the minutes.*

During his presentation, Mr. McCarthy advised that although an offer of \$3.2 million had been received for the property, it was his estimation that this might not be the best offer that they could receive, based upon the fact that the property included a permit allowing for the acceptance of ash, bypass and non-processibles, lending it the potential to become much more valuable. In addition, Mr. McCarthy's presentation included advisements that the best way to determine the value of the property was to issue an RFP requiring proposers to provide a detailed plan for what they would do with the facility as well as what payments would be made to the Counties. The presentation also documented several other Counties within the State that had recently conducted similar RFP processes with great success. Finally, the presentation detailed the RFP process as well as details on how the process should proceed through the use of a well organized procurement process. *Please see the attached documentation for a full accounting of the presentation.*

Mr. Champagne pointed out that although Mr. McCarthy's presentation cited that the Hartford Landfill property included a permit to be used as such, there had been absolutely no support of the Landfill by the Town of Hartford. He stated that he found it very hard to agree that any added value was justifiable based on the existence of the permit and he asked how they would be able to get around this issue to reasonably obtain a higher price for the property. Mr. McCarthy replied that it was not up to the Counties to make any concessions on this matter, but rather to those responding to the RFP who would vie to use the property in a way that would create value for them. Mr. McCarthy advised that the RFP would put the County in a position to evaluate the intended uses of the property, as presented by the parties responding to the RFP.

As representation of D.A. Collins, the party that had made the \$3.2 million offer to the Counties for the property, Mr. O'Connor Esq. advised that his client had considered some of the same issues being recognized by the County in determining their offer to the County. He explained that the Town of Hartford had passed a Local Law pertaining to solid waste which stated that no one could operate a landfill in the Town of Hartford, except for the Counties and it was his understanding that the Counties were not interested in being involved in the process and neither did they want to be included in a second layer where the Counties would delegate a private entity to operate a landfill

that the County would ultimately have either a financial or environmental responsibility for.

Mr. O'Connor Esq. said that his client had a good working relationship with the Hartford Town Board, based on prior business. He advised that D.A. Collins had previously agreed to sign an agreement with a Local Development Corporation developed by the Town of Hartford to avoid public bidding and to allow D.A. Collins a purchase option of a year to 18 months with the Counties, for a fee in the neighborhood of \$25,000, in order to secure the proper permits for their preferred use of the property prior to making the final purchase. Mr. O'Connor Esq. explained that because the permit currently attached to the property was for an ash landfill, and D.A. Collins preferred to use the site as a construction and demolition debris landfill, an alternate NYSDEC permit was necessary. He said that the purchase option would allow for D.A. Collins to develop a Host- Community Agreement with the Town during this period as well.

Mr. O'Connor Esq. apprised that the \$3.2 million offer made to the Counties for the purchase of the Hartford Landfill had been based upon the funds contributed to the purchase of the property, as well as a reasonable return on the money invested. He noted that his client had anticipated that they would face the same resistance issues experienced previously by the County as the Hartford Town Board had delegated the decision making process on the Landfill to an Ad-Hoc Committee which would place unrealistic demands on D.A. Collins in order to receive approval on the use of the landfill. Mr. O'Connor Esq. stated that although he, nor his client, knew what the actual value of the property was, their offer would give the Counties back the funds they had contributed to purchase the property, as well as some interest on those monies, and D.A. Collins would assume all of the battles with NYSDEC and the Town of Hartford to develop a working landfill. He added that his client was fairly confident that they could obtain both the NYSDEC permit for the preferred use of the property, as well as the support of the Town of Hartford based on their good relationship with the Town in light of the favorable results of their Hard Rock Host-Community Agreement.

Mr. Tessier stated that the reason that the offer made by D.A. Collins was not accepted when it was made was because the Counties wanted to realize more interest on their monies than what had been offered. Mr. O'Connor Esq. replied that D.A. Collins would be willing to raise their offer to an amount commensurate with what the Counties desired in order to obtain the Hartford Landfill property.

Mr. Dusek pointed out that Mr. McCarthy's proposal for the use of an RFP process had the potential to net additional offers similar to that offered by D.A. Collins, in that prospective purchasers would submit a proposal asking for an option period for sufficient time to work with the Town of Hartford to determine if their plans for the property were acceptable, to be compared to the offer of D.A. Collins. Mr. McCarthy advised that this statement was correct and he said that the RFP process would also allow the County to review the proposed future of the property to determine if it was acceptable and would also ensure that they had chosen the best proposal available.

Mr. Champagne asked if the Town of Hartford would have any say in the RFP process and Mr. Dusek replied that the Counties would not be required to allow this as the Town of Hartford had no ownership interest in the property. However, he noted, it was very likely that anyone responding to

the RFP would request an option period to discuss their intentions and receive the approval of the Town. Mr. Dusek added that an RFP process would have to be approved by both Warren and Washington Counties.

Mr. Monroe stated that he felt the first step in this process would be to reappoint an Ad Hoc Committee between the two Counties because this decision could not be made by one County alone. He noted that he had spoken with Joanne Trinkle, Chairwoman of the Washington County Board of Supervisors, who had advised that they wanted to move ahead in selling their interest in the Hartford Landfill.

Motion was made by Mr. Haskell, seconded by Mr. Champagne and carried unanimously to move ahead with the sale of the Hartford Landfill.

Motion was made by Mr. Haskell, seconded by Mr. Tessier and carried unanimously to develop a Special Committee to handle the sale of the Hartford Landfill negotiations.

Mr. Champagne stated that another option for sale of the property would be to take out an advertisement in the New York Times to sell the property to a developer. Mr. Belden replied that this option would also be covered through the RFP process discussed in Mr. McCarthy's proposal.

Moving on, Mr. Dusek advised that he had received a referral from the Clerk of the Board asking him to attend a meeting at the beginning of 2008 to discuss a possible amendment to the County Solid Waste Management Plan concerning NYSDEC's stipulation in the Plan that DPW should coordinate a recycling operation. He said that although he would render the legal services necessary for the amendment, the County would have to hire an engineer to do the amendment if the Committee desired to do so.

Mr. Lamy stated that as the Superintendent of Public Works he was designated to oversee the County's recycling operation under the Solid Waste Management Plan. He noted that when he began his tenure as Superintendent, he had found that it had been approximately nine years since the appropriate recycling reports had been filed with the State, and since that time the recycling programs had been picked up by the individual Towns with virtually no oversight by the County. Mr. Lamy said that he had no issue with this arrangement and the simplest way to remove the designation was to revise the Solid Waste Management Plan. He noted that in speaking with Stephen Lynch, Inter-County Solid Waste Coordinator, he had been advised that the Solid Waste Management Plan would have to be amended at the end of the Burn Plan contract and these changes could be made simultaneously.

Mr. Lamy advised that because the Solid Waste Management Plan had not yet been amended, he had been making contact with the Towns to notify them that the County did have a recycling program which was mandated in the Plan and set forth in Local Laws adopted by the County, and in order for them to be in compliance, certain actions had to be undertaken by the Towns.

Mr. Lamy stated that he was aware that for a number of years there had been a request to include

a Recycling Coordinator within DPW; however, he said, the request was never approved. He advised that he was not comfortable in stating that the work would not be done because the position had not been approved. Mr. Lamy advised that both he and the County were accountable for the responsibilities which somehow had to be provided and he was attempting to fulfill his obligations as the Coordinator. He said that if they could manage in this way until the Burn Plant contract was complete the amendments to the Solid Waste Management Plan could be made together. In the meantime, Mr. Lamy apprised, one of his staff members was working to update the backlogged recycling reports for submission to NYSDEC.

Mr. Dusek stated that this was a reasonable approach based on their past experience and unless NYSDEC gave a contrary indication they should proceed in this manner. So far, he said, NYSDEC seemed to be looking for compliance in small increments and the fact that Mr. Lamy was now updating the backlogged recycling reports was favorable. Mr. Dusek said that they were not far from beginning the Solid Waste Management Plan revisions for the Burn Plant and it certainly made sense to make all of the amendments at that time and he hoped that this would also be acceptable to NYSDEC.

Mr. Lamy advised that he did not see any issue with the Towns undertaking individual recycling plans, provided that they were permitted by the Solid Waste Management Plan.

Discussion ensued.

It was the consensus of the Committee that the revisions to the Solid Waste Management Plan for both the Burn Plant and the Solid Waste Coordinator should be made at the same time.

On motion made by Mr. Haskell and seconded by Mr. Champagne, Mr. Belden adjourned the meeting at 2:30 p.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist